

REMARKS

Claims 1-15 are pending. Claims 1-4 are allowed. Claims 5-15 stand rejected. Claims 8 and 15 have been amended.

Claims 5-10 and 12-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Shaffer. Applicant respectfully traverses.

Shaffer describes a system for voice mail networking between a voice mail system at a local site and a voice mail system at a remote site (2:34-40). FIG. 4 is a flowchart that describes a process for an embodiment of the invention where a local system (at local site 10) responds to a remote voice mail system 56 being unavailable (4:60-62). Before the process in FIG. 4 begins, a call is placed from the local system to a remote phone 54 (3:29-34). In FIG. 4, the local system waits for a transfer to the remote system (5:2-3; FIG. 4, step 130). If the transfer does not occur (e.g., because the remote system is unavailable), the call is transferred to the local voice mail system 16 (5:5-7; FIG. 4, step 134). If the transfer does occur (i.e., the remote system is available), the system moves to step 100 of FIG. 3 (5:3-5; FIG. 4, step 132).

CLAIM 5

Claim 5 recites:

A method for distributing voice mail messages, the method comprising:
determining, at a first server, whether a second server is available; and
responsive to determining that the second server is available:
retrieving a voice mail message from the first server; and
sending the voice mail message to the second server.

On November 6, 2006, the Examiner and the undersigned attorney discussed Shaffer and claim 5 over the telephone. The Examiner agreed that claim 5 was patentable over Shaffer. Specifically, Shaffer does not disclose, teach, or suggest the claimed element “responsive to

determining that the second server is available ... sending the voice mail message to the second server.” In Shaffer, if the remote system (“second server”) is available, the system moves to step 100 of FIG. 3 (5:3-5; FIG. 4, step 132). In step 122 of FIG. 3, a voice mail message is sent to the remote system (4:46-47). However, the sending is not responsive to determining that the remote system is available. Instead, the sending is based on a clock within the local system.

In step 120, a determination is made regarding when (e.g., an absolute or relative time) to send the voice mail message to the remote system (4:40-41). The determination is based on inputs from the user (e.g., request for urgent delivery), any other messages in the queue for delivery to the same remote voice mail system, and/or the varying connection cost for use of public switching telephone network (PSTN) 30 (4:41-46). Note that the determination in step 120 does not take into account whether the remote system is available.

Thus, claim 5 is patentable over Shaffer.

CLAIMS 8, 15

As amended, claim 8 recites:

An apparatus for receiving, storing, and distributing voice mail messages, the apparatus comprising:

- a call status module, configured to determine whether a call should be transferred to voice mail;
- a call transfer module, configured to determine a call's voice mail extension and a server on which the voice mail extension resides, wherein the server is one of a plurality of servers on which voice mail extensions reside; and
- a voice mail migration module, configured to send a voice mail message to a remote server.

Shaffer does not disclose, teach, or suggest the claimed element “a call transfer module, configured to determine a call's voice mail extension and a server on which the voice mail extension resides, wherein the server is one of a plurality of servers on which voice mail

extensions reside.” In Shaffer, a voice mail extension resides somewhere within a voice mail system (such as remote voice mail system 56). Shaffer does not disclose whether this voice mail system includes multiple servers. As a result, Shaffer also does not disclose determining a server on which a voice mail extension resides. Although Shaffer discusses making many determinations regarding voice mail systems (see, e.g., steps 102, 104, and 108 in FIG. 3), none of these determinations regards a server on which a voice mail extension resides.

Thus, claim 8 as amended is patentable over Shaffer. Claim 15 as amended recites similar language is likewise patentable over Shaffer for at least the same reasons.

OTHER CLAIMS

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer in view of Sherwood. Applicant respectfully traverses. This claim depends from claim 8, which is patentable over Shaffer. In addition, claim 11 recites other features not included in claim 8. Thus, claim 11 is patentable over Shaffer in view of Sherwood. Additionally, for the record, Applicant traverses the Examiner’s assertions concerning the disclosure of Sherwood and the motivation to combine Shaffer and Sherwood.

The claims not specifically mentioned above depend from their respective base claims, which were shown to be patentable over Shaffer. In addition, these claims recite other features not included in their respective base claims. Thus, these claims are patentable over Shaffer, for at least the reasons discussed above, as well as for the elements that they individually recite.

Applicant respectfully submits that the pending claims are allowable over the cited art of record and requests that the Examiner allow this case. The Examiner is invited to contact the undersigned in order to advance the prosecution of this application.

Respectfully submitted,
SCOTT A. VAN GUNDY

Dated: November 6, 2006

By: /Sabra-Anne R. Truesdale/

Sabra-Anne R. Truesdale, Reg. No. 55,687
Attorney for Applicant
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7187
Fax: (650) 938-5200